

17633. Adulteration of frozen strawberries. U. S. v. 106 Cases * * *.
(F. D. C. No. 30925. Sample No. 3365-L.)

LIBEL FILED: On or about April 16, 1951, District of Maryland.

ALLEGED SHIPMENT: On or about February 26, 1951, by Southland Frozen Foods, Inc., from New York, N. Y.

PRODUCT: 106 cases, each containing 24 8-ounce cups, of frozen strawberries at Baltimore, Md.

LABEL, IN PART: (Cup) "Distributed By Cortley Frosted Foods Inc., N. Y.
* * * Whole Strawberries."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed strawberries.

DISPOSITION: June 8, 1951. Default decree of condemnation and destruction.

JAM AND JELLY

17634. Alleged misbranding of jam. U. S. v. 62 Cases * * *. Tried before district court; judgment ordering libel dismissed and seized articles returned to claimant. Appeal by Government to circuit court of appeals; judgment of district court reversed and case ordered remanded. Claimant's petition to Supreme Court for writ of certiorari granted; judgment of court of appeals reversed and judgment of district court approved, ordering products delivered to claimant (87 F. Supp. 735, 183 F. 2d 1014 and 340 U. S. 593). (F. D. C. No. 26635. Sample Nos. 49220-K to 49225-K, incl.)

LIBEL FILED: On or about March 11, 1949, District of New Mexico.

ALLEGED SHIPMENT: On or about January 1949, by the Pure Food Mfg. Co., from Denver, Colo.

PRODUCT: 62 cases, each containing 6 5-pound, 2-ounce jars, of fruit jam of assorted flavors, at Raton, N. Mex.

LABEL, IN PART: "Delicious Brand Imitation * * * Jam."

NATURE OF CHARGE: Alleged misbranding, Section 403 (g) (1), the articles purported to be and were represented as fruit jams and failed to conform to the definitions and standards of identity for such jams since they were made from mixtures composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of one of the optional saccharine ingredients specified in the regulations; and the soluble-solids content of the articles was less than that specified by the definitions and standards of identity for jams. The articles were alleged to be misbranded when introduced into, while in, and while held for sale after shipment in, interstate commerce.

DISPOSITION: The Pure Food Mfg. Co., Denver, Colo., claimant, intervened and filed an answer admitting that the various jams were made from mixtures composed of less than 45 parts by weight of the fruit ingredient to each 55 parts by weight of the saccharine ingredient, that the soluble-solids content of the grape, strawberry, and blackberry jams was less than 68 percent, and that the soluble-solids content of the apricot, peach, and plum jams was less than 65 percent, but denied that the jams purported to be and were represented as fruit jams, for which definitions and standards of identity had been established. As an